

APR 16 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application:	09/446,232	)	Group:	1731
Title:	SMOKING ARTICLE AND SMOKING MATERIALS THERE- FORE	)	Examiner:	Lopez, Carlos
Inventor:	Biggs et al.	)		
Filed:	02/14/00	)		

---

AMENDMENT UNDER 37 CFR § 1.113

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action dated January 16, 2004 please amend the above referenced application as follows.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

Middleton & Reutlinger  
 2500 Brown & Williamson Tower  
 Louisville, Kentucky 40202-3410

PHONE: (502) 584-1135  
 FAX: (502) 561-0442

CONFIDENTIAL AND PRIVILEGED  
 ATTORNEY CLIENT COMMUNICATION

RECEIVED  
 CENTRAL FAX CENTER

APR 16 2004

OFFICIAL

The information contained in this facsimile message is the property of Middleton & Reutlinger. If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information, is strictly prohibited. If you have received this message in error, please notify us immediately to arrange for its return. Thank you.

TO: U.S. Patent and Trademark Office  
 Examiner: Carlos N. Lopez Group: 1731  
 Fax #703-872-9306

FROM: Steven A. Witters, Reg. No. 53,923

DATE: April 16, 2004

PAGES: 8 in total (including cover sheet)

RE: U.S. Patent Application No. 09/446,232  
 Attorney Docket No. BW-398-2

Remarks: This facsimile is a response to the Final Office Action having a mailing date of January 16, 2004

Enclosed is:

- (1) Transmittal Form;
- (2) Amendment under 37 CFR 1.113.

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Lynn Minton, Paralegal  
 Person Signing

Signature

4/16/04  
 Date

PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

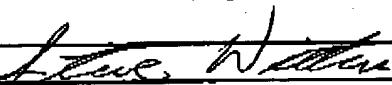
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	08/446,232
Filing Date	02/14/2000
First Named Inventor	BIGGS
Art Unit	1731
Examiner Name	LOPEZ
Attorney Docket Number	EW-398-2

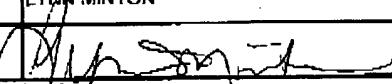
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>FACSIMILE TRANSMITTAL FORM</b>
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	STEVEN A. WITTERS, Reg. No. 53,923
Signature	
Date	04/16/2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	LYNN MINTON
Signature	
Date	04/16/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.